



JFW

## CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the below date:  
Date: October 21, 2005 Name: John C. Freeman, Esq. Signature: J.C. Freeman, Esq.

BRINKS  
HOFER  
GILSON  
& LIONE

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Robert M. Setbacken et al.

Appln. No.: 10/829,546

Filed: April 22, 2004

For: POSITIONAL ENCODER ASSEMBLY

Attorney Docket No: 8371/13

Examiner: Monbleau,  
Davienne N.

Art Unit: 2878

Mail Stop Amendment  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

## TRANSMITTAL

Sir:

## Attached is/are:

Information Disclosure Statement, PTO Form 1449, Twelve (12) References.  
 Return Receipt Postcard

## Fee calculation:

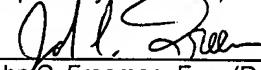
No additional fee is required.  
 Small Entity.  
 An extension fee in an amount of \$\_\_\_\_ for a \_\_\_\_-month extension of time under 37 C.F.R. § 1.136(a).  
 A petition or processing fee in an amount of \$\_\_\_\_ under 37 C.F.R. § 1.17(\_\_\_\_).  
 An additional filing fee has been calculated as shown below:

	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Small Entity		Not a Small Entity		
					Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$25=			x \$50=	
Indep.		Minus			x 100=			x \$200=	
First Presentation of Multiple Dep. Claim					+\$180=			+\$360=	
					Total	\$		Total	\$

## Fee payment:

A check in the amount of \$\_\_\_\_ is enclosed.  
 Please charge Deposit Account No. 23-1925 in the amount of \$\_\_\_\_. A copy of this Transmittal is enclosed for this purpose.  
 Payment by credit card in the amount of \$\_\_\_\_ (Form PTO-2038 is attached).  
 The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

  
John C. Freeman, Esq. (Reg. No. 34,483)

October 21, 2005  
Date



I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on October 21, 2005.

Name of Registered Representative:

John C. Freeman, Reg. No. 34,483  
October 21, 2005

Date of Signature

PATENT CASE NO. 8371/13

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application: )  
 )  
Robert M. Setbacken et al. )  
 ) Group Art Unit: 2878  
Serial No.: 10/829,546 )  
 ) Examiner: Monbleau, Davienne N.  
Filed: April 22, 2004 )  
 )  
For: POSITIONAL ENCODER )  
ASSEMBLY )

**INFORMATION DISCLOSURE STATEMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In compliance with Applicants' duty of disclosure under 37 C.F.R. § 1.56 and in conformance with 37 C.F.R. §§ 1.97-1.98, Applicants hereby submit the following references for consideration by the Examiner. Copies of all of the cited references, except the cited U.S. Patents are enclosed herein. Furthermore, enclosed is a completed copy of Form PTO-1449. Note that copies of the cited U.S. Patents are not being supplied pursuant to the amendment of the rules presented in the U.S. Patent and Trademark Office Official Gazette Notice dated October 12,

2004.

**I. DISCLOSURE**

**A. U.S. Patents**

<u>Patent No.</u>	<u>Inventor</u>	<u>Issue Date</u>
5,861,680	Yamanaka	01/19/99
6,093,584	Fjelstad	07/25/00
6,331,452 B1	Gall	12/18/01

**B. Foreign Patent References**

<u>Reference No.</u>	<u>Country</u>	<u>Pub. Date</u>
0 238 418 A2	EP	09/23/87

**C. Literature**

1. Author unknown, “Optical Incremental Encoder Modules – HEDS-90XX/91XX/9200 series,” published by Agilent Technologies, September, 2000, two pages.
2. Author unknown, “Quick Assembly Two and Three Channel Optical Encoders – HEDS-5500/5540 series,” published by Agilent Technologies, September, 2000, two pages.
3. Author unknown, “Reflective Optical Surface Mount Encoders – Technical Data - HEDR-8000 series, HEDR-8100 series, HEDR-8010 series” published by Agilent Technologies, April 23, 2003, pp. 1-8.
4. Author unknown, “Agilent HEDR-542x Series Optical Encoder Assemblies – Application Note 1267,” published by Agilent Technologies, December 5, 2001, pp.

1-4.

5. Author unknown, “RCML15 Low Profile Commutation Encoder,” published by Renco Encoders via website <http://www.renco.com/106028.htm> available as of October 20, 2005, two pages. Note that it is believed that the encoder shown in this document was available to the public prior to April 25, 2003.
6. Author unknown, “RCML15 Schematic Drawing,” published by Renco Encoders via website <http://www.renco.com/106028.htm> available as of October 20, 2005, one page. Note that it is believed that the encoder shown in this document was available to the public prior to April 25, 2003.
7. Author unknown, “Mounting Instruction for the RCML15 Encoders – Data Only,” published by Renco Encoders via website <http://www.renco.com/106041.htm> available as of October 20, 2005, five pages. Note that it is believed that the encoder shown in this document was available to the public prior to April 25, 2003.
8. Author unknown, “Mounting Instruction for the RCML15 Encoders – Static Communication,” published by Renco Encoders via website <http://www.renco.com/106043.htm> available as of October 20, 2005, five pages. Note that it is believed that the encoder shown in this document was available to the public prior to April 25, 2003.
9. Author unknown, “Mounting Instruction for the RCML15 Encoders – Dynamic Commutation,” published by Renco Encoders via website <http://www.renco.com/106042.htm> available as of October 20, 2005, five pages. Note that it is believed that the encoder shown in this document was available to the

public prior to April 25, 2003.

10. Author unknown, "Mounting Surface Requirements for RCML15 Encoders," published by Renco Encoders via website <http://www.renco.com/106044.htm> available as of October 20, 2005, three pages. Note that it is believed that the encoder shown in this document was available to the public prior to April 25, 2003.
11. Author unknown, "Bonding and Debonding Instructions for the Modular Encoders," published by Renco Encoders via website <http://www.renco.com/106038.htm> available as of October 20, 2005, three pages.

### **III. CONCLUSION**

It is believed that none of these references, alone or in combination, disclose or suggest the invention claimed. Note that the submission of the references should not be construed as an admission that any of the references qualify as prior art. It is Applicants' desire, however, to have these references available in the record for both the Examiner and the public to see. Applicants

therefore request that the Examiner review the entire disclosure of each reference and make the above-listed references of record.

Respectfully submitted,



John C. Freeman  
Registration No. 34,483  
Attorneys for Applicants

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(312) 321-4200

Dated: October 21, 2005



LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT (use several sheets if necessary)		SERIAL NO. 10/829,546	CASE NO. 8371/13
		FILING DATE April 22, 2004	GROUP ART UNIT 2878
		APPLICANT(S): ROBERT M. SETBACKEN et al.	

**REFERENCE DESIGNATION**      **U.S. PATENT DOCUMENTS**

EXAMINER INITIAL	DOCUMENT NUMBER Number-Kind Code (if known)	DATE	NAME	CLASS/ SUBCLASS	FILING DATE
A1	5,861,680	01/19/99	Yamanaka		
A2	6,093,584	07/25/00	Fjelstad		
A3	6,331,452 B1	12/18/01	Gall		

**FOREIGN PATENT DOCUMENTS**

EXAMINER INITIAL	DOCUMENT NUMBER Number-Kind Code (if known)	DATE	COUNTRY	CLASS/ SUBCLASS	TRANSLATION YES OR NO
A4	0 238 418 A2	09/23/87	EP		No

EXAMINER INITIAL	OTHER ART – NON PATENT LITERATURE DOCUMENTS	
	(Include name of author, title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date page(s), volume-issue number(s), publisher, city and/or country where published.)	
A5	Author unknown, "Optical Incremental Encoder Modules – HEDS-90XX/91XX/9200 series," published by Agilent Technologies, September, 2000, two pages.	
A6	Author unknown, "Quick Assembly Two and Three Channel Optical Encoders – HEDS-5500/5540 series," published by Agilent Technologies, September, 2000, two pages.	
A7	Author unknown, "Reflective Optical Surface Mount Encoders – Technical Data -HEDR-8000 series, HEDR-8100 series, HEDR-8010 series" published by Agilent Technologies, April 23, 2003, pp. 1-8.	
A8	Author unknown, "Agilent HEDR-542x Series Optical Encoder Assemblies – Application Note 1267," published by Agilent Technologies, December 5, 2001, pp. 1-4.	
A9	Author unknown, "RCML15 Low Profile Commutation Encoder," published by Renco Encoders via website <a href="http://www.rencocom/106028.htm">http://www.rencocom/106028.htm</a> available as of October 20, 2005, two pages. Note that it is believed that the encoder shown in this document was available to the public prior to April 25, 2003.	

EXAMINER	DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

FORM PTO-1449	SERIAL NO. 10/829,546	CASE NO. 8371/13
<b>LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT</b> (use several sheets if necessary)	FILING DATE April 22, 2004	GROUP ART UNIT 2878
APPLICANT(S): ROBERT M. SETBACKEN et al.		

EXAMINER INITIAL	OTHER ART - NON PATENT LITERATURE DOCUMENTS (Include name of author, title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date page(s), volume-issue number(s), publisher, city and/or country where published.)	
A10		Author unknown, "RCML15 Schematic Drawing," published by Renco Encoders via website <a href="http://www.renco.com/106028.htm">http://www.renco.com/106028.htm</a> available as of October 20, 2005, one page. Note that it is believed that the encoder shown in this document was available to the public prior to April 25, 2003.
A11		Author unknown, "Mounting Instruction for the RCML15 Encoders – Data Only," published by Renco Encoders via website <a href="http://www.renco.com/106041.htm">http://www.renco.com/106041.htm</a> available as of October 20, 2005, five pages. Note that it is believed that the encoder shown in this document was available to the public prior to April 25, 2003.
A12		Author unknown, "Mounting Instruction for the RCML15 Encoders – Static Communication," published by Renco Encoders via website <a href="http://www.renco.com/106043.htm">http://www.renco.com/106043.htm</a> available as of October 20, 2005, five pages. Note that it is believed that the encoder shown in this document was available to the public prior to April 25, 2003.
A13		Author unknown, "Mounting Instruction for the RCML15 Encoders – Dynamic Commutation," published by Renco Encoders via website <a href="http://www.renco.com/106042.htm">http://www.renco.com/106042.htm</a> available as of October 20, 2005, five pages. Note that it is believed that the encoder shown in this document was available to the public prior to April 25, 2003.
A14		Author unknown, "Mounting Surface Requirements for RCML15 Encoders," published by Renco Encoders via website <a href="http://www.renco.com/106044.htm">http://www.renco.com/106044.htm</a> available as of October 20, 2005, three pages. Note that it is believed that the encoder shown in this document was available to the public prior to April 25, 2003.
A15		Author unknown, "Bonding and Debonding Instructions for the Modular Encoders," published by Renco Encoders via website <a href="http://www.renco.com/106038.htm">http://www.renco.com/106038.htm</a> available as of October 20, 2005, three pages.

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